

MINUTES OF
EUREKA CITY COUNCIL
EUREKA REDEVELOPMENT AGENCY

MARCH 6, 2007

The City Council/Redevelopment Agency of the City of Eureka met in REGULAR Session on the above date, 5:30 p.m. Closed Session, 6:30 p.m. Open Session, at the Eureka City Hall, Council Chambers, 531 "K" Street, Eureka.

PRESIDING: MAYOR BASS

PRESENT: GLASS, ENDERT, KERRIGAN, JONES

ABSENT: LEONARD

MINUTES PREPARED BY:

COUNCIL APPROVAL ACKNOWLEDGED:

Kathleen L. Franco Simmons
City Clerk

Virginia Bass
Mayor

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of March 6, 2007.

SUBJECT: Public comment prior to closed session

ACTION:

No one expressed an interest in addressing the Council at this time.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on March 7, 2007.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept.

Agenda Item A

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of March 6, 2007.

SUBJECT: Closed session

ACTION:

Council met in closed session to discuss the following matters:

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: McFarlan Street Trail located at 2330 Hillside; APN 006-302-01

Agency negotiator: David Tyson for the City of Eureka

Negotiating parties: Robert and Melissa Grace

Under negotiation: price, terms, and conditions.

Pursuant to California Government Code Section 54956.8

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: Waterfront Commercial property located on water side of Waterfront Drive adjacent to Marina Way; APN 003-062-027.

Agency negotiator: David Tyson for the City of Eureka

Negotiating parties: Pierson and DeBeni

Under negotiation: price, terms, and conditions.

Pursuant to California Government Code Section 54956.8

D. CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: Susan Christie for City of Eureka

Employee organizations: Eureka Police Officers Association (EPOA),

Eureka Firefighters' Local #652 (EFL), Eureka City Employees' Association (ECEA),
unrepresented management, mid-management, and confidential employees.

Pursuant to California Government Code Section 54957.6

Upon reconvening to Open Session, it was announced that there were no final actions to report.

Agenda Items B, C, D

MINUTE ORDER, MARCH 6, 2007

ITEM: Closed Session

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STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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CITY CLERK

Originating Dept.

Agenda Items B, C, D

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of March 6, 2007.

SUBJECT: Mayor's announcements

ACTION:

Mayor Bass presented the following proclamations:

"National Youth Art Month" March, 2007

"Redwood Camera Club – 20th Anniversary" March 2007

"Redwood Region Logging Conference" March 15-17, 2007

Mayor Bass provided a report regarding the recent visit to Washington DC to meet with representatives on behalf of the city's funding needs for the Martin Slough project. Mayor Bass provided information regarding other meetings in which the delegation participated:

- Phil Mangano with the United States Inter-Agency Council on Homelessness with regard to the 10-Year Plan on Homelessness
- Barbara Barrett, National Heritage Area with regard to the process by which a community becomes a National Heritage Area and the benefits to the community.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept.

Agenda Item M/A

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of March 6, 2007.

SUBJECT: Board/Commission reports

ACTION:

Keep Eureka Beautiful Committee member Helen L'Annunziata presented an award of appreciation to the family of Luis Octavio Mendosa for his outstanding work in making Eureka a beautiful and safe place in which to live.

Eureka Main Street Executive Director Charlotte McDonald presented a plaque of appreciation to Sergeant Mike Quigley.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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CITY CLERK

Originating Dept.

Agenda Item B/C

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of March 6, 2007.

SUBJECT: Public comment period

ACTION:

The following individuals addressed the council at this time:

Sue Brandenburg spoke regarding the need for mandated garbage pick-up, requirements for landlords to be responsible for tenants' trash, street sweeping signs in high-density areas, and to clean up the city.

Mark Konkler, Eureka, spoke regarding legislation to ban the use of trans-fats by food facilities.

Richard Tollison, Eureka, spoke regarding the time change Sunday morning.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept.

Agenda Item 1

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of March 6, 2007.

SUBJECT: Council meeting minutes.

ACTION:

Council approved the regular Council/Agency meeting minutes of February 20, 2007 as submitted.

Adopted on motion by Councilmember JONES, seconded by Councilmember GLASS, and the following vote:

AYES: GLASS, ENDERT, KERRIGAN, JONES
NOES: NONE
ABSENT: LEONARD
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Clerk

Agenda Item 2

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of March 6, 2007.

SUBJECT: Claims for damages of Gowan, Paul (07-015, 07-017, 07-018).

ACTION:

Council rejected the claims.

Adopted on motion by Councilmember JONES, seconded by Councilmember GLASS, and the following vote:

AYES: GLASS, ENDERT, KERRIGAN, JONES
NOES: NONE
ABSENT: LEONARD
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Attorney

Agenda Item 3

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of March 6, 2007.

SUBJECT: Claim for damages of Kimberling, Raymond.

ACTION:

Council rejected the claim.

Adopted on motion by Councilmember JONES, seconded by Councilmember GLASS, and the following vote:

AYES: GLASS, ENDERT, KERRIGAN, JONES
NOES: NONE
ABSENT: LEONARD
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept.

Agenda Item 4

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of March 6, 2007.

SUBJECT: Accept Bid No. 2006-26, City Hall 1st Floor Electrical Improvement Project.

ACTION:

Council accepted the City Hall 1st Floor Electrical Improvement Project; and authorized the Finance Officer to make final payment in conformance with the contract, and authorize the filing of a Notice of Completion in the Office of the Humboldt County Recorder.

Adopted on motion by Councilmember JONES, seconded by Councilmember GLASS, and the following vote:

AYES: GLASS, ENDERT, KERRIGAN, JONES
NOES: NONE
ABSENT: LEONARD
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Assistant City Manager-Operations

Agenda Item 5

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of March 6, 2007.

SUBJECT: Accept offer to dedicate open-space easement.

ACTION:

Council adopted Resolution No. 2007-05 accepting the *Offer to Dedicate Open-Space Easement*, authorize the resolution to be recorded, and authorize City Manager to execute *Certificate of Acceptance*.

Adopted on motion by Councilmember JONES, seconded by Councilmember GLASS, and the following vote:

AYES: GLASS, ENDERT, KERRIGAN, JONES
NOES: NONE
ABSENT: LEONARD
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Engineer

Agenda Item 6

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of March 6, 2007.

SUBJECT: Request for exception to the hiring freeze – Electrician.

ACTION:

Council approved the exception to the hiring freeze for the Electrician position, which was already included in the FY 06/07 budget.

Adopted on motion by Councilmember JONES, seconded by Councilmember GLASS, and the following vote:

AYES: GLASS, ENDERT, KERRIGAN, JONES
NOES: NONE
ABSENT: LEONARD
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on March 7, 2007.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Personnel Director

Agenda Item 7

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of March 6, 2007.

SUBJECT: Municipal Lease Proposal for Automated Meter Reading System Project.

ACTION:

Council adopted Resolution No. 2007-06 authorizing Lease Agreement with Municipal Services Group, Inc. for the Automated Meter Reading System Project, and directed the City Manager to execute the necessary lease documents.

Adopted on motion by Councilmember JONES, seconded by Councilmember GLASS, and the following vote:

AYES: GLASS, ENDERT, KERRIGAN, JONES

NOES: NONE

ABSENT: LEONARD

ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Finance Director

Agenda Item 8

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of March 6, 2007.

SUBJECT: Memorandum of Understanding: Eureka Police Officers Association
(EPOA): Contract Amendment.

ACTION:

Council adopted Resolution No. 2007-07 authorizing the Mayor to execute an amendment to the current Memorandum of Understanding between the City of Eureka and Eureka Police Officers Association (EPOA) regarding salaries and supplemental benefits.

Adopted on motion by Councilmember JONES, seconded by Councilmember GLASS, and the following vote:

AYES: GLASS, ENDERT, KERRIGAN, JONES
NOES: NONE
ABSENT: LEONARD
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Personnel Director

Agenda Item 9

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of March 6, 2007.

SUBJECT: Memorandum of Understanding: Eureka Police Officers Association
(EPOA): Contract Amendment.

ACTION:

Council adopted Resolution No. 2007-08 authorizing the Mayor to execute an amendment to the current Memorandum of Understanding between the City of Eureka and Eureka Police Officers Association (EPOA) regarding salaries and supplemental benefits.

Adopted on motion by Councilmember JONES, seconded by Councilmember GLASS, and the following vote:

AYES: GLASS, ENDERT, KERRIGAN, JONES
NOES: NONE
ABSENT: LEONARD
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept.

Agenda Item 10

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of March 6, 2007.

SUBJECT: Memorandum of Understanding: Eureka Firefighters Local #652 (EFL):
Contract Amendment.

ACTION:

Council adopted Resolution No. 2007-09 authorizing the Mayor to execute an amendment to the current Memorandum of Understanding between the City of Eureka and Eureka Firefighters Local #652 (EFL) regarding salaries and supplemental benefits.

Adopted on motion by Councilmember JONES, seconded by Councilmember GLASS, and the following vote:

AYES: GLASS, ENDERT, KERRIGAN, JONES
NOES: NONE
ABSENT: LEONARD
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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CITY CLERK

Originating Dept.

Agenda Item 11

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of March 6, 2007.

SUBJECT: Amendment to Ordinance titled "Unsafe Structures; Abatement of Nuisances"

ACTION:

Assistant City Manager-Operations Mike Knight provided a report. No one expressed an interest in addressing the council regarding this subject matter.

Council adopted, waived reading, and read by title only, Bill No. 771-C.S., Ord. No. 709-C.S.; an ordinance amending Title XV, Chapter 150, Building Regulations, Amending Sections 150.142, 150.148, 150.152, 150.153, 150.161, 150.162, 150.166 and deleting Section 150.160 pertaining to "Unsafe Structures; Abatement of Nuisances".

Adopted on motion by Councilmember KERRIGAN, seconded by Councilmember GLASS, and the following vote:

AYES: GLASS, ENDERT, KERRIGAN, JONES
NOES: NONE
ABSENT: LEONARD
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Assistant City Manager-Operations

Agenda Item 12

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of March 6, 2007.

SUBJECT: Closing hours on the Boardwalk.

ACTION:

Special Projects Manager Gary Bird provided a report. The following individuals addressed the council regarding this subject matter:

Mark Konkler, Eureka

Greg Pierson, Eureka

Ruth Jameson, Eureka

Melvin McKinney, Eureka

Charlotte McDonald, Executive Director-Eureka Main Street

Amber, Eureka

Sue Brandenburg, Eureka

Richard Tollison, Eureka

Tina Christensen, Fortuna

On motion by Councilmember KERRIGAN, seconded by Councilmember GLASS, Council directed staff to proceed with the matter of establishing closing hours for the Boardwalk, and to also bring back for consideration to include potential other public facilities along the waterfront such as the Adorni Center and the Wharfinger area. Councilmember Glass requested to amend the motion to include citing power for violations. The amendment was accepted by the maker of the motion, and adopted by the following vote:

AYES: GLASS, ENDERT, KERRIGAN, JONES

NOES: NONE

ABSENT: LEONARD

ABSTAIN: NONE

Agenda Item 13

MINUTE ORDER, MARCH 20, 2007
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STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Special Projects Manager

Agenda Item 13

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of March 6, 2007.

SUBJECT: Discussion by the City Council regarding their decision on the coastal dependent industrial property located on the water side of Waterfront Drive, westerly of the Eureka Small Boat Basin; upland portion of APN 003-062-021.

ACTION:

City Manager David Tyson provided a report. The following individuals addressed the council regarding this subject matter:

Larry Kluck, Law Office of Mathews, Kluck & Walsh LLP, representing Dave Schneider
Judy Billingsley, Eureka, Executive Director-Humboldt Taxpayers League
Kaye Strickland, Eureka
Dave Schneider
Tina Christianson, Fortuna

Council directed staff to place this item on the March 20 agenda.

Adopted on motion by Councilmember ENDERT, seconded by Councilmember JONES, and the following vote:

AYES: GLASS, ENDERT, JONES
NOES: KERRIGAN
ABSENT: LEONARD
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of March 6, 2007.

SUBJECT: City Manager/Executive Director's reports

ACTION:

City Manager Tyson provided information regarding the following:

- Recent delegation to Washington DC to seek continued support for the Martin Slough Interceptor project for completion of design and purchasing right-of-ways;
- Appreciation to Supervisor Jimmy Smith for his work on the Proposition 50 monies; the region's application was ranked highest in the state and will be receiving \$ 2.54 million;
- Abandoned vehicles – approximately 1000 were collected for the year; last quarter over 200 vehicles were processed.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Manager

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of March 6, 2007.

SUBJECT: Adjournment

ACTION:

On motion by Councilmember JONES, seconded by Councilmember ENDERT, and without objection, the meeting was adjourned at 8:57 p.m.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK